

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

MFA.No. 868 of 2002()

OPMV.890/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOLLAM
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APPELLANT: PETITIONER:

MAJIDA BEEVI, AGED 27 YEARS,
D/O. MUTHEEFA, THADAVILA KIZHAKKATHIL,
THAZHUTHEL, KOTTIYAM, KOLLAM.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: RESPONDENTS:

1. A.M. ABDUL KHADER, SAVIHAR, KORANI.
2. SUGATHAN, S/O. NEELAKANTAN,
SOMAVILASOM, VADAKKEVILA, KOLLAM.
3. THE MANAGER, ORIENTAL INSURANCE
CO.LTD., ULLOOR BRANCH, ULLOOR.

FOR R3 ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.B.KOSHY & K.HEMA, JJ.

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M.F.A.No.868/2002 and C.M.P.No. 5246/2002
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Dated this the 13th day of December, 2007

J U D G M E N T

J.B.Koshy, J.

This is a petition for condoning the delay of 517 days in filing the appeal. According to the petitioner, she sustained injury in a road accident on 04/11/1993 when she was travelling in a bus bearing Reg.No.KET 6069 and hit on the rear side of a private bus bearing Reg.No. KBT 6340. But the complaint was filed only after a month. Further, it is noticed that Ext.A11 is the medical certificate which only shows that she sustained injury on the right side of face and chin but as per Ext.A7 wound certificate she had sustained bilateral hair line fracture of the condyle of mandible. The tribunal found that she did not report the matter to the police for one month, and also that as the accident had occurred in a public road, several passengers will be affected but there was no police case to show that any such accident occurred and the tribunal did not accept the same.

In any event, the reasons stated for condoning the delay is unacceptable. No valid grounds are stated for condoning the long delay of 517 days. Even though, appeal was filed in 2002, notice is not so far served. The first respondent expired. In these circumstances, we are not satisfied with the reasons stated in the affidavit filed along with the delay petition. The delay petition is therefore, dismissed. M.F.A is also dismissed.

(J.B.KOSHY, JUDGE)

(K.HEMA, JUDGE)

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J.B.KOSHY & K.HEMA, JJ.

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M.F.A.No.868 of 2002
and C.M.P.No. 5246/2002
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J U D G M E N T

13th December, 2007